

THIRTY-FIFTH DAY

(Tuesday, March 16, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Lovelady submitted the following reports:

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 219, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 258, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred S. B. No. 236, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LOVELADY, Chairman.

Senator Moffett submitted the following reports:

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 309, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 269, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. B. No. 635, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 215, have had same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 207, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute for S. B. No. 207 pass in lieu thereof and be printed.

MOFFETT, Vice Chairman.

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 319, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Senator York submitted the following reports:

Austin, Texas,
March 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to whom was referred S. B. No. 265, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

YORK, Vice Chairman.

Austin, Texas,
March 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to whom was referred S. B. No. 46, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed as amended.

YORK, Vice Chairman.

Senate Concurrent Resolution 34

Senator Cotten offered the following resolution:

S. C. R. No. 34, Authorizing J. H. Reagan to sue the State in Anderson County, Texas.

The resolution was read and was referred to the Committee on State Affairs.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 22, A bill to be entitled "An Act authorizing the Board of Regents of the Sam Houston State Teachers College of Texas to acquire, and maintain and operate an airport for said institution; etc.; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

(President pro tempore Mauritz in the Chair.)

Message from the Governor

The following message was received and was read to the Senate and referred to the Committee on Nominations of the Governor:

Austin, Texas,
March 16, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be District Attorney of the 100th Judicial District to fill the unexpired term of Honorable John Deaver, resigned:

Sam Hamilton of Memphis, Hall County.

Respectfully submitted,

COKE STEVENSON,
Governor of Texas.

Reports of Standing Committees

Senator Lanning, by unanimous consent, submitted at this time the following reports:

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 279, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

Austin, Texas,

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 226, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed with the attached Committee amendments.

LANNING, Chairman.

(President in the Chair.)

Senate Bill 41 on Passage to Engrossment

(Unfinished Business)

The President laid before the Senate, as the unfinished business, on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 41, A bill to be entitled "An Act authorizing the State Board of Education to adopt a multiple list of not fewer than three nor more than five textbooks for use in the last two grades in the public high schools in teaching pre-flight aerodynamics, fundamentals of electricity, fundamentals of machines, fundamentals of shop work, fundamentals of radio, and fundamentals of automotive mechanics; providing to whom they may be furnished free and that no basal book shall be designated; and providing requirements governing such adoptions; and repealing Section 2, Chapter 210, Acts of the Regular Session, Forty-first Legislature, as heretofore amended; and declaring an emergency."

With point of order by Senator Metcalfe against consideration of the following (committee) amendment, offered by Senator Aikin, pending:

Amend so as to provide a new Section properly numbered as follows:

"Provided however that no other new textbooks shall be purchased during the biennium ending August 31, 1945."

On motion of Senator Aikin, and by unanimous consent, the Senate, at 10:35 o'clock a. m., stood at ease until 11:00 o'clock a. m.

The President sustained the point of order by Senator Metcalfe (that the amendment is not germane to the original purposes of the bill).

Senator Lovelady offered the following amendment to the bill:

Amend S. B. No. 41 by adding in line 32, immediately following the word, "repealed" the following:

"Provided that such repeal shall not terminate or interfere with outstanding contracts heretofore entered into under its authority unless the holder or holders of any such contract shall be unwilling to furnish textbooks under the terms hereof."

Question—Shall the amendment be adopted?

Report of Standing Committee on Senate Bill 259

Senator Lanning, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 16, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 259, A bill to be entitled "An Act authorizing the State Board of Control to transfer any balance in the support and Maintenance fund and in the repairs and improvement fund of any eleemosynary institution in Texas to another, where such funds are not needed in the institution from which either, or both of said funds may be transferred, providing that the Act shall be effective for the current fiscal year and for each fiscal year of the next biennium, authorizing the Comptroller of Public Accounts to make transfer of said sums from one institution to another upon

written request therefor by the Board of Control concurred in by the Governor; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LANNING, Chairman.

Senate Bill 259 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 259, A bill to be entitled "An Act authorizing the State Board of Control to transfer any balance in the support and maintenance fund and in the repairs and improvement fund of any eleemosynary institution in Texas to another, where such funds are not needed in the institution from which either, or both of said funds may be transferred, providing that the Act shall be effective for the current fiscal year and for each fiscal year of the next biennium, authorizing the Comptroller of Public Accounts to make transfer of said sums from one institution to another upon written request therefor by the Board of Control concurred in by the Governor; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 259 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The State Board of Control by and with the consent of the Governor is hereby authorized to transfer any balance in any fund appropriated, or local funds of any one eleemosynary institution to another, where such fund or funds are not needed in the institution from which either, or all of said funds may be transferred, provided however, this Act shall not be effective after August 31, 1945, but such Act is meant to authorize such transfer for the current fiscal year, and for each fiscal year of the next biennium and further

provided no fund, or funds for new construction appropriated for any eleemosynary institutions, will ever be transferred from one institution to another, and further provided that no salary of any employee will be supplemented by the addition of any sum or sums of money above what is appropriated and no new position or positions will be created and paid for by the use of any such fund or funds, and none of such fund or funds so transferred, will be used for any purpose other than purchase of food, clothing and medicine.

"Sec. 2. The State Comptroller of Public Accounts is hereby directed to make transfer of the sum, or sums, from either or all of the aforesaid accounts from one institution to another upon written request therefor by the State Board of Control concurred in by the Governor.

"Sec. 3. The fact there may be balances existing in the appropriated, or local funds of the eleemosynary institutions that may be transferred by the State Board of Control in the manner provided in this Act, thus obviating the necessity for the request and issuance of a deficiency warrant, upon which there is always a pecuniary loss to the State, and the further fact that the reallocation of such funds would probably result in the eleemosynary institutions being maintained during the fiscal years covered by this Act without a deficiency warrant, and the further fact that unless such authority is granted, an emergency appropriation will be necessary for maintaining such institutions, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 259 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 259 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Mauritz	

Nays—1

Lovelady

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Martin	York
Mauritz	

Nays—1

Lovelady

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, and their captions had been read, the following enrolled bills and resolutions:

H. B. No. 264, A bill to be entitled "An Act repealing the Employment

Agency Law as passed by the Thirty-eighth Legislature in 1923 and amended by the Forty-fifth Legislature, Second Called Session, 1937, being Articles 5208 through Article 5221, R. C. S., and Articles 1584 through Article 1593, P. C., Vernon's Texas Statutes, and repealing the Emigrant Agency Law as passed by the Forty-first Legislature, Second Called Session, 1929, being Article 5221a and Article 7047, R. C. S., and Article 1137d, P. C., Vernon's Texas Statutes; providing an Employment and Labor Agency Law for Texas; defining certain terms used in the Act; defining certain exceptions; providing a method of licensing of employment and labor agents; providing a license fee and the posting of bonds; providing for the disposition of fees collected; providing for suits on bonds; providing an occupation tax to be paid in certain cases; providing a method of record keeping to be promulgated by the Commissioner of the Bureau of Labor Statistics; providing a method of cancelling licenses by the Commissioner; providing for appeals to court; defining out-of-state agencies operating in this State; providing reports to be made of workers sent out of the State; providing a schedule of fees; providing receipt forms; prohibiting certain acts; prohibiting untruths by employer or applicant; providing for the display of license and law; declaring it to be a violation to operate without a license; defining the duties and authority of the Commissioner; providing for enforcement by civil proceedings; providing penalties; providing a savings clause; repealing conflicting laws; and declaring an emergency."

S. B. No. 114, A bill to be entitled "An Act amending Article 3184, Title 51, Chapter 2, of the Revised Civil Statutes of 1925 so as to further define the qualifications of the Superintendent of each State Hospital; providing for removal of same for good cause; defining good cause; and repealing all laws in conflict; and declaring an emergency."

S. B. No. 92, A bill to be entitled "An Act to repeal H. B. No. 12, Acts of the First Called Session of the Forty-fifth Legislature of the State of Texas; providing for the disposal of State owned jacks and stallions; and the payment of expenses incurred

in connection with such disposal; making an appropriation; providing for the transfer of fees; and declaring an emergency."

S. C. R. No. 30, Providing for a joint session of the Senate and House on Thursday, March 11, 1943, at 11:00 o'clock a. m. to hear an address by Hon. Fulton Lewis, Jr.

S. C. R. No. 31, Inviting Madame Chiang Kai-shek to address a joint session of the Texas Legislature.

Senate Bill 41 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 41, relating to the adoption of certain additional free textbooks, on its passage to engrossment; with amendment by Senator Lovelady pending.

The amendment was adopted.

Senator Winfield offered the following amendment to the bill:

Amend S. B. No. 41 by striking out Section 1 of said bill and strike out Section 3 of said bill and insert in lieu thereof the following:

"The fact that many books are being adopted which are of no value and the further fact that these books are costing much more money than they are worth to the school children of Texas, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on several days in each house be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted."

WINFIELD,
AIKIN.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

Yeas—18

Aikin	Martin
Beck	Mauritz
Brownlee	Moore
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Vick
Lane	Weinert
Lanning	Winfield

Nays—8

Bullock	Lovelady
Jones	Metcalfe

Moffett
Morris

Sulak
York

Absent—Excused

Fain
Formby
Kelley

Lemens
Spears

(President pro tempore Mauritz in the Chair.)

On motion of Senator Winfield, and by unanimous consent, the caption of the bill was ordered amended to conform to the body of the bill as amended.

The bill then was passed to engrossment.

On motion of Senator Moffett, and by unanimous consent, it was ordered that his name be stricken from the bill as the author and the name of Senator Winfield endorsed thereon as its author.

Senate Bill 41 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Present—Not Voting

Moffett

Absent—Excused

Fain
Formby
Kelley

Lanning
Spears

The President pro tempore laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Present—Not Voting

Moffett

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

(President in the Chair.)

Reports of Standing Committee

Senator Winfield, by unanimous consent, submitted at this time the following reports:

Committee Room,
Austin, Texas,
March 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking to whom was referred S. B. No. 190, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Committee Room,
Austin, Texas,
March 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office to whom was referred

S. B. No. 94, A bill to be entitled "An Act to provide for the granting of telephone, telegraph, electric trans-

mission and/or power line right of ways and/or easements . . . across public lands, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WINFIELD, Chairman.

Announcement by Senator Chadick

Senator Chadick announced that Madame Chiang Kai-Shek had informed the committee appointed to invite her to address a joint session of the Texas Legislature that it would be impossible to accept the invitation on account of illness.

Adjournment

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12 o'clock m., adjourned until 10:00 o'clock a. m. tomorrow.

THIRTY-SIXTH DAY

(Wednesday, March 17, 1943)

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Kelley	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of